about 40°C.

B5 sub C6

41. (amended) A process according to claim 40 wherein said gelling additive is melted at a temperature of between about 40°C to 70°C.

Please add new claims 42-44:

42. A detergent tablet according to claim 23 wherein the region mounted in said recess dissolves more than 10% faster than the compressed portion.

43. A detergent tablet according to claim 42 wherein the region mounted in said recess dissolves more than 25% faster than the compressed portion.

B6

44. A detergent tablet according to claim 43 wherein the region mounted in said recess dissolves more than 50% faster than the compressed portion.

REMARKS

Claims 21-41 were pending. By this amendment, claims 34 and 35 are canceled, and claims 42-44 are added, leaving claims 21-33 and 36-44 pending. For the reasons below, the claims as amended

are allowable.

Claims 21-41 were rejected as lacking description for the terms "non-compressed," "mould," "gelatinous portion," and "thickening system." Applicants have amended the claim 21 and 33 to recite a detergent tablet having at least two regions, the first being a compressed region having a recess, and the second being a solidified liquid solution or melt mounted in the recess. The region mounted in the recess comprises a detergent active ingredient and a fusible carrier material. These elements are described at page 10, line 18 to page 11, line 8 of the specification, as well as in the examples. It is believed these grounds of rejection therefore no longer apply.

In claim 25, "non-aqueous diluent and gelling agent" have been replaced by "one or more fusible materials selected from the group consisting of nonionic surfactants, polyethylene glycols, caustic soda, soaps, salts, and waxes" as described at page 11, lines 9-21. Its rejection for lack of description should not be maintained. Claim 35 is now canceled; its rejection is moot.

Claims 23-25, 27-30, 37, and 40 were rejected as indefinite. Claim 23 was rejected for reciting general and preferred embodiments in the same claim. The preferred embodiments of claim 23 have been excised and recast in new claims 42-44.

Applicants have not amended the claims 24, 27-30, or 37 in response to the rejection for lack of mutual exclusivity between "detergents" and "surfactants" in those claims. As noted specifically in M.P.E.P. 2173.05(o), the Clark case is to be "applied with care." The issue under the second paragraph of § 112 is whether one of skill would understand what is being claimed.

The Examiner cites no evidence that one of skill would be confused by the terms "surfactant" and "detergent," both of which are in general use and well understood in the art. That most detergents contain one or more surfactants does not somehow disable one of skill from being able to distinguish an embodiment in which the detergent active ingredient itself comprises a detergent containing a surfactant from an embodiment in which the detergent active is one or more surfactants. Overlap between elements alone is not sufficient to sustain this rejection. M.P.E.P. 2173.05(o).

Claim 25 no longer contains the word "mixture," and its rejection for lack of support in claim 21 no longer applies. Likewise, claim 40 no longer recites "gelling agent" and should not be rejected as lacking support in claim 33. Lastly, the extraneous period in claim 40 has been deleted.

The remaining claim amendments were made to conform dependent claims to the amendments discussed above, wherein the claims now recite the compressed region and the solidified melt or solution comprising a detergent active and a fusible carrier. Support for all of these amendments is found generally at page 10, line 18 to page 11, line 21 of the application.

All claims were rejected as anticipated under 35 U.S.C. § 102(e) or obvious over U.S. 6,274,538 (Addison) or 6,303,561 (Painter). Applicants claim benefit under 35 U.S.C. § 119 of their German Patent Application No. 197 58 178.1, filed December 30, 1997, which establishes that applicants had made their invention before the effective dates Addison or Painter. Neither are prior art under § 102(e) to applicants' claims. In re Gosteli, 10 U.S.P.Q. 2d 1614, 1616 (Fed. Cir. 1989). Applicants have submitted herewith a certified copy of the priority document; a verified

translation can be submitted should the Examiner require one.

The claims were also rejected as obvious over WO 92/20774 (Gladfelter). Gladfelter discloses a solid chemical concentrate system of at least two cooperative shapes. The first shape is in the form of an inwardly curving bar having an inner opening, and the second shape is an insert capable of interlocking with the first shape by insertion into the inner opening of the first shape.

The claims as amended, by contrast, call for a detergent tablet comprising two or more regions, wherein one region is in the form of a solidified fluid that is mounted in a recess formed by the other region. The recitation of a detergent tablet comprising two or more regions conforms the claims more closely to the language of the specification, and it more clearly points out the previously pointed out distinction between applicants' claims and Gladfelter's disclosure.

The Examiner has argued that the previous claims do not require a single body. Applicants respectfully submit that the present claims do. Applicants claim a detergent tablet having two or more regions. Initially, it is applicants' position that one of skill, reading the claims and nothing more, would understand a tablet to be a single shape or body as a whole, and not two separable shapes as disclosed in Gladfelter. In the event that this is not entirely clear from the claims alone, reference to the specification melt, comprises a fusible material that upon cooling, specification removes all doubt.

Had applicants intended to claim two or more combined but separable shapes, applicants might have used "parts" or "pieces" to describe the component spatial elements of the claimed tablets.

However, applicants specifically chose the term "region," because this word most accurately conveys that the claimed spatial elements are not separable, but discrete areas of a single shape or tablet. Thus at page 2, line 7, the invention is most generally described as "a shaped body" having "a defined region" that represents no more than 40% by volume of the body. By implication there is at least one more region that comprises the remaining volume of the body. Of course, the additional regions of the tablet are more explicitly described at page 8, lines 21 and following.

At page 2, line 10 applicants state "the present invention relates to a shaped body." Note the use of the singular. Again at page 3, lines 11-12 the inventors refer to "the remaining region and/or regions of the shaped body." At page 9, lines 23-24, it is disclosed that according to the invention certain antagonistic agents can be "separated from one another in one and the same tablet and/or shaped body." Lastly, at page 14, lines 16-18, applicants disclose the compression of smaller solids and bodies to form "the final shaped body" of the invention.

All of this disclosure is entirely inconsistent with an interpretation of "a tablet" that reads on two separable shapes as disclosed in Gladfelter. Clearly, applicants claimed a tablet with discrete regions because this is the way to describe a single, solid, but non-homogeneous shape. Regardless of whether the term "tablet," taken alone without reference to the description, would cover the interlocking shapes of Gladfelter, which applicants in no way concede, such an interpretation is contrary to applicants' understanding of the term as it is used in the specification. Therefore Gladfelter's teachings of two or more separable shapes do not suggest the claims as amended.

Gladfelter's second shape is an insert, which implies that it is a separate shape before being inserted into the opening of the first shape. There is no teaching that it is bound or fused to the first shape in any way. Indeed, Gladfelter consistently refers to the system of at least two shapes. In some preferred embodiments, these shapes are packaged together, in others separately. The design permits, in some applications, the separation of the two shapes for end use. Thus, at all times, the Gladfelter system comprises at least two shapes.

Modifying the Gladfelter system to form a single shape as presently claimed would defeat this most basic feature of the Gladfelter teachings. A reference cannot be modified to show obviousness where the proposed modification defeats a basic and novel aspect of the reference teachings. For this reason alone the rejection over Gladfelter should not be maintained.

Gladfelter teaches that its two piece cooperative chemical concentrate system may contain products that are cast, compressed, or pelletized. Applicants do not dispute that Gladfelter teaches that its shapes may be formed by casting, compression, or pelletizing. Applicants claims, however, go further. The claims call for a specific combination of a compressed shape and a solidified melt or solution. This specific combination is neither taught nor suggested by Gladfelter, not in its examples and preferred embodiments or its generic disclosure. And the fact that such a combination or modification could be made to reach the invention does not cure the absence of any suggestion to actually do it.

The cooperative shapes of Gladfelter interlock to provide a substantially continuous surface. But Gladfelter's teaching that

its two shapes form at least one substantially continuous surface only supports applicants' position. A substantially continuous surface is not a continuous surface, it is a discontinuous surface. A continuous surface would be formed if and only if the two shapes were not two shapes, but one. Of course, two shapes cannot be one shape. To treat a substantially continuous surface as a continuous surface simply ignores Gladfelter's most basic teaching.

The Gladfelter system of shapes may be dispensed as a single unit in one dispenser. But this does not eliminate its essential features. We are not here concerned with the use, but with form and composition, which is what is claimed. Whether Gladfelter's two shapes are intended to be used together or separately, the fact remains that there are two shapes. That they can be used together does not somehow convert them into a single shape as claimed.

As stated above, the real issue is whether Gladfelter as a whole teaches or fairly suggests what is claimed. There is no teaching or motivation to combine the elements in the form claimed. No disclosure in Gladfelter teaches joining a compressed particulate solid with a solidified liquid or melt. In the absence of such teaching, picking and choosing these elements out of Gladfelter's disclosure to arrive at the claimed invention amounts to nothing more than hindsight reconstruction. The fact that it could be done does not cure Gladfelter's failure to suggest that it should be done. For this reason, the rejection of the claims over Gladfelter should be withdrawn.

Lastly, applicants note the objection to the abstract, a response to which is being withheld until the allowability of the claims is established. At such time applicants agree to take any action to correct this defect deemed appropriate by the Examiner.

CONCLUSION

In view of the above amendments and remarks, applicants submit the claims are in condition for allowance. Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 01-1250.

Respectfully yours,

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CLAIMS AMENDED JUNE 3, 2002, SHOWING AMENDMENTS

21. (amended) A detergent tablet comprising:

(a) a compressed [portion] region having therein a [mould] recess; and

(b) a [non-compressed, gelatinous portion] region mounted in said [mould] recess, said [gelatinous portion] region comprising a [thickening system] fusible carrier material and at least one detergent active and being in the form of a solidified melt or solution.

22. (amended) A detergent tablet according to claim 21 wherein the [non-compressed, gelatinous portion] melt or solution has an average viscosity of from 2000 to 15000 mPas as said [non-compressed, gelatinous portion] melt or solution is introduced into said [mould] recess.

23. (amended) A detergent tablet according to claim 21 wherein the [non-compressed, gelatinous portion] region mounted in said recess dissolves more than 5%[, preferably more than 10%, more preferably more than 25% and most preferably more than 50%,] faster than the compressed portion.

25. (amended) A detergent tablet according to claim 21

wherein said [thickening system] carrier material comprises [the mixture of a non-aqueous diluent and a gelling agent] one or more fusible materials selected from the group consisting of nonionic surfactants, polyethylene glycols, caustic soda, soaps, salts, and waxes.

26. (amended) A detergent tablet according to claim 21 wherein the [non-compressed, gelatinous portion] region mounted in said recess includes a dissolution retarder.

33. (amended) A process for preparing a [multi-phase] detergent tablet having two or more regions comprising the steps of:

(a) compressing a particulate composition comprising a detergent active component[, said compressed phase] to form a compressed region of the tablet having a [mould] recess;

(b) delivering [a gelatinous mixture] to said recess a solution or melt [mould to form a gelatinous portion, said gelatinous mixture] comprising at least one detergent active component and a fusible carrier material; and

(c) solidifying said [gelatinous portion] solution or melt to form a region mounted in said recess.

36. (amended) A process according to claim 33 wherein said

compressed [phase] region is compressed by a rotary press.

38. (amended) A process according to claim 33 wherein said step of solidifying said [gelatinous portion] melt or solution comprises a cooling step.

39. (amended) A process according to claim 33 wherein said step for delivering [a gelatinous mixture to said mould further] the melt or solution to the recess comprises adding a volume of [gelatinous mixture] melt or solution equal to the internal volume of the mould so that upon solidifying of said [gelatinous portion] melt or solution, the surface of the tablet is smooth.

40. (amended) A process according to claim 33 wherein said [gelling additive] fusible carrier material is melted at a temperature greater than about 40°C.

41. (amended) A process according to claim 40 wherein said gelling additive is melted at a temperature of between about 40 °C[.] to 70 °C. a dishwashing machine.